

REMARKS

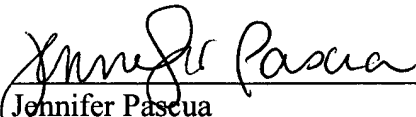
In response to the Restriction Requirement dated September 21, 2004, Applicant hereby wishes to elect the subject matter of group II including claims drawn to a composition comprising potassium, zinc, calcium, rubidium, sulfur and a carrier which is not identical to an aqueous extract of bark, classified in class 424, subclass 610 for example. This election is being made **with traverse** and without prejudice to continue prosecution of the non-elected species in this or a later application. Applicant further notes that it appears that the Examiner failed to enter and take into account the preliminary amendment filed on August 13, 2003 when making the above mentioned restriction requirement. The preliminary amendment filed on August 13, 2003 withdrew claims 1 – 21 and presented new claims 23- 35 for prosecution on the merits. Applicant, however, believes that new claims 23-35 are encompassed by the subject matter in group II of the examiner's original restriction requirement and therefore Applicant elects group II subject matter, encompassing claims 23-35, for continued prosecution on the merits. In addition applicant hereby cancels previously withdrawn claims 1 – 21.

If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600.

Respectfully submitted,

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